## RETAIL TRADE IN LUMBER

Its Interests Considered by the State Association of Dealers of That Class.

They Do Not Like the System of Demurrage that Prevails-Cutting Off Ruinous Competition of Wholesalers-Officers Elected.

The Indiana Retail Lumbermen's Association met yesterday morning in parlor No. 5 of the Denison, where, the attendance filling the room, an adjacent parlor was thrown open. The president, H. T. Bennett, in his annual address, which was first heard, congratulated the association on its successful existence of seven years, and traced back the origin of the organization to the rainous competition of wholesalers with retailers. He said that four complaints had been lodged against members during the year and three against Chicago dealers, who, however, are beyond the jurisdiction of the association. The complaints have not as yet been settled, owing to the failure of the plaintiffs to submit completed evidence, but other complaints which were pending have been adjusted. He recommended that the amende honorable be made in such cases instead of a fine whereever possible. He also congratulated the association on the harmonious relations with other organizations of the trade. The executive officers of eleven associations, he said, met on invitation, at Chicago in June last and organized the United Association of Lumbermen, which includes organizations in New Jersey, Michigan, Pennsylvania, Illinois, Texas, Nebraska, Missouri, Kansas, Iowa, Minnesota and Indiana. The functions of the federated movement were so ordered as not to abridge those of the local organizations. In the matter of recommendations, the president urged that the Indiana membership in the United Association be ratified, that the membership fee be made \$5, that the number of directors be increased to eight, and that action be taken to urge amendment of the mechanic's lien law.

The secretary and treasurer, Mr. W. B. Allen, reported a total membership in six years of 251, with a present membership of nearly two hundred. Fifty active members were received during the year, and in addition four wholesale dealers became honorary members. Receipts for the year were \$478.61 and disbursements \$469.38, leaving a balance of \$9.23. The president appointed committees to audit accounts, to formulate proposed amendments to the constitution and by-laws, and to nominate

At the beginning of the evening session ex-President Bennett named S. D. Frazer, E. T. Parker and M. S. Huey as the committee to call on the officers of the Carservice Association to secure the change emanded in the limit of demurrage. Mr. Dwight Frazer then read a paper in which he set forth the advantages of the association to its members over others in larger fields. He recalled the times when whole-salers entered the retailers' field and, when a protest was made, asked the suffering retailer, "What are you going to do about it?" There was then no redress, but now in the unity of membership there is strength with protection—a means of resistance. No boy-cott is desired, but protection of the individual interests of the retailer. Mr. Frazer alluded to the ease of access the State limits give the organization, the social ties one renews in it and the greater influence one derives through acquaintas particular advantages of association. Speeches indorsing these views were made by Messrs. Coburn, Merrifield, Eldridge, Foster, Root, Eichholz and others. A strong sentiment prevailed in favor of local exchanges in order to hold prices to the scale they should severally adopt, and to make these exchanges effective it was advised that they be organized upon the basis of a money forfeit for infringement of the

The convention then adjourned, the members enjoying for the rest of the evening a banquet, at which an excellent menu was served.

The afternoon session began with a paper on the "Car-service Association" by Mr. E. T. Parker, of Logansport. He discussed principally the demurrage feature of its rules, say ing that the association itself is of no general benefit to lumber-shippers. The cost to maintain it is more than the profit derived, and he criticised the for not making a discrimiin favor of heavy shippers, a matter of justice, he claimed, to the man who pays \$1,000 a week for freight. The service does no damage to a dealer whose freight bills do not amount to more than \$100 a week. The lumbermen, he urged, have rights that should be respected, but in the demurrage feature of the Car-service Association that fact seems lost. It is a poor rule that does not work both ways, if the dealers are to failure to unload forty-eight hours it charged for car in equally just the company should be liable for failure to deliver cars within fory-eight hours after the schedule time. De tention causes a dealer a great deal of an-

noyance and often a large amount of money.
The paper received liberal applause.
The president called for remarks on the subject, and Mr. I. D. Bosworth, of Anderson, related his experiences with demurrage-a charge, he said, that rasps his feelings. His method of dealing with it is to inform the wholesalers that if they ship their consignments to him over a road which made him pay demurrage, he would charge the fees to them. He said he wanted the right of the roads to make such charges tested, and recited the fact that in one instance, after a long delay, the railroad company sent him eleven cars at once, causing him great trouble in unloading them within the forty-eight hours. He believed the Indiana Associa-tion of Retail Lumbermen should cooperate with the national association in opposing the demurrage rule. Mr. C. C. Foster indorsed the view that the demur-rage charge is unjust, but maintained the Car-service Association has been of great benefit to shippers. Demurrage had been adopted as an outgrowth of the lumbermen's abuse of their former practice of leaving cars unloaded even for thirty and sixty days. He suggested the appointment of a committee to-demand that forty-eight hours be held to mean forty-eight working hours. Mr. M. S. Huey put the suggestion in the form of a motion. This was carried, after much discussion over whether the committee should have power to bring suit in case the demand was refused. It was expressed that refusal would be the answer received, and the sentiment prevailed that the local associa-tions over the State should take the initiative in legal matters. Mr. Henry Coburn said that his legal adviser holds that the charge cannot be collected by law, on the ground that payment cannot be forced by stopping a man's business.

The association decided to renew efforts before the Legislature for the amendment of the mechanic's lien law, and the chair was authorized to appoint four additional members to the committee that acted in this interest two years ago. Messrs. Kirby, Stilwell, Stronp and Foster were appointed. Another motion prevailed, adding President Bennett to the committee. The powers of the committee were extended so as to include any other legislation that may arise relating to the interests of lumbermen. The directors were authorized to act for the association at any meeting of

the national association. Mr. Stanfield, of Dresden & Stanfield. South Bend, reported concerning a lawsuit in which his firm became involved through a dreision of the association's directors. Bidding on a bill for lumber, the firm was underbid by the West Michigan Lumber Company, in the wholesale trade, and which thereby infringed on the rules of the association. The West Michigan company asserted that it had sold the lumber through a citizen named Jackson, of South Bend, but he had no office or lumber-yard. and Dresden & Stanfield laid the matter before the directors. They proved that Jackson acted only as an agent and received a commission, and the directors decided adversely to the Michigan Lumber Company, which was restrained, though under protest, from selling to Jack-son again. Jackson brought suit for \$10,000 damages and for an injunc-tion to prevent Dresden & Stanfield from boycotting his business. The case was to have been tried in October, but neither party was ready, and it has been set for January. The ontcome of the trial was stated to be of great importance to the as-

The report of the auditing committee was Nonopy need suffer from languor and melan-approved and the committee on constitu- choly if they take Simmons Liver Regulator.

tion recommended increasing the number of directors from five to eight and reducing the first year's dues from \$8 to \$2. The recom-mendations were adopted. The following officers were then elected.

President-W. F. Stilwell, Lafayette. Vice-president-S. B. Stoup, Waldron. Secretary and Treasurer-W. B. Allen, Indian-Directors—I. D. Bosworth, Anderson; Louis Diethers, Fort Wayne; E. T. Parker, Logansport; Charles Snider, Terre Haute; J. R. Dunlap, Columbus; W. Wilson, LaPorte, H. S. Ready, Connersville.

COMMERCIAL CLUB DIRECTORS.

Building Project Considered-Step to Secure Sites for Factories-Legislative Committee.

At the meeting yesterday afternoon of the Commercial Club directors the special committee intrusted with the matter of asking the Police Commissioners to station patrolmen at the Illinois, Meridian and Pennsylvania-street crossing on Washington street, reported the success of its mission and was discharged. The finance committee reported that, having considered the question of what further steps are advisable regarding the proposed erection of a building by the club, the following conclusions had been reached. First, that preparations for the erection of a building should at once be begun. Second, that, with a view to beginning the work as soon as possible, the members be requested to pay their stock subscriptions in full as early next year as they can. Third, that the finance committee be authorized to determine, with the board's approval, what shall be the height, in stories, and the general character of the building. The report was concurred in and placed on file. The committee's financial statement and the treasurer's report showed that \$13,100 had been paid on the South Meridian property, and that the balance in the general fund was \$532.61. The report was received and filed.

Mr. Stechhan, from the committee on manufactures, said that there were numerous inquiries from manufactories elsewhere who desire to come here providing some substantial encouragement is offered. He felt somewhat discouraged, however, because of the committee's inability to induce capitalists to offer sites and erect buildings at reasonable figures. Other cities, he said, were moving in the matter of securing manufactories, but Indianapolis seemed indifferent. At his suggestion a motion was agreed to authorizing the committee to advertise for sites and buildings for factories, in order that the matter might be placed before the public and every op-portunity afforded capitalists who have empty buildings or favorable sites for factories to let the club know of them and at what terms they can be secured.

A communication from the National Board of Trade, inviting the club to become a member of that organization upon the payment of \$150 initiation fee, was laid upon the table. A communication from the publisher of the Cabinet-maker, asking for the club's commendation, was referred to the committee on manufactures.

President Lilly said that he thought it time for the appointment of a com-mittee on legislation, as it would be necessary soon to urge upon the attention of the Legislature the new city charter now being formulated. Mr. Lieber moved that the president be authorized to appoint a committee of twenty-one or more members to co-operate with the members of the General Assembly representing Indianapolis in urging the enactment of bills in the interest of the city. The motion was agreed to. A discussion upon the proper composition of that committee brought out a suggestion that the present committee on city charter be members of the committee on legis-lation. It was then suggested by Secretary Fortune that while the members at work in the framing of a city charter were emi-nently well qualified for that work they were not familiar enough with handling the various little matters which will come up in connection with pushing the city charter through. Colonel Perry thought there would be no difficulty in getting the charter through, and that the committee members were sufficiently experienced for that purpose. Edward Hawkins thought as the secretary did in this connection. As the president is delegated to appoint this committee, it was decided that the matter be left entirely in his hands, without instructing him in any particular. The di-

rectors then adjourned. At the November meeting of the club President Lilly was authorized to appoint a committee to confer with the State Board of Agriculture at its coming meeting on the proposed change of location of the State fair grounds. This committee has been announced as follows: Edward Hawkins, chairman; M. A. Downing, John T. Brush, C. C. Foster, Geo. F. Pfingst, D. K. Folsom and J. E. McCullough.

VIEWS AS TO THE NEW CHARTER.

The Desire Seems to Be to Have the Mayor Given Greater Responsibility in Municipal Affairs.

As the time approaches for the meeting of the Legislature, now less than a month off, it would naturally be supposed that there would be considerable talk about the new city charter which will be presented to that body, and which, when passed, will effect a sweeping change in the municipal government. But it meets with little discussion outside the committee of nine who are engaged in preparing it, and the great body of citizens seem to have small interest in the matter, except to know that the work is going forward in competent hands. Mr. A. Kiefer, when asked yesterday what would suit him in the way of a city charter, admitted that he had not thought much on the subject. He was disposed to think the Mayor should have great authority. "I believe in the one-man power," said Mr. Kiefer, "and a personal responsibility in city affairs. The responsibility should be located so that it cannot be shifted. The Mayor should certainly have the veto power.

"I understand that the city charter that the committee has in hand will fill our ong-felt want," remarked Mr. Geo. C. Webster, jr., in answer to the reporter's inquiry. "I have not seen the document, but we will know all about it in good time, and I hope the Legislature will be kind and let us have what we want. Indianapolis has arrived at city size, and it's time for us to take off our boy's clothes and put on a man's size, and not ready-made, either, but

"I think we ought to be up to all modern improvements in municipal government,' said Mr. James T. Layman. "As to the Mayor of this city, he ought to have nothing whatever to do with police judge business. His whole time should be spent in looking after the welfare of the city, not in hearing cases of drunks, assault and battery and other misdemeanors. I believe he should have the veto power as a check to hasty and ill-advised legislation. He should have the power to appoint a board of control and to remove members of that board for cause. It would be advisable to take every department out of politics. I do not think it right that the Legislature should place the power to choose police commissioners where it is. The Mayor is the citizens' representative; he knows the city's needs and should have that power conferred upon him. Of course all the boards should be non-partisan, the members to be chosen from the two domi-

nant parties."
"I think the Brooklyn charter is the best in the United States from what I have read of it," said Mr. Alfred Burdsal. "If it can be arranged to suit the city of Indianapolis it will be a fine thing. There is perhaps rather more machinery than we need. Many of the city boards can be constructed of citizens who will serve without pay and be glad to do so for the honor. The sinking-fund commission of Cincinnati is composed of gentlemen who serve without pay, and the fund in their hands amounts to over \$4,000,000. I believe in individual government; that the Mayor should be at the head, and that there should be no divided responsibility."

Visiting Knights. A delegation of Knights of Pythias came from Decatur, Ill., yesterday, and registered at the Denison. They were here to witness the amplified work in Knights of Pythias lodge No. 7, last night.

AFFAIRS OF THE RAILWAYS. The C., W. & M. to Be Operated as an Inde-

pendent Line.

Norman Beckley, general manager of the Cincinnati, Wabash & Michigan, is in the city, and confirms the report that the Big Four syndicate has secured entire control of the property, purchasing the interest of the Lake Shore and D. J. Mackey, and while this is true the road, as heretofore, is to be operated as an independent line. As soon as the Rushville extension is in condition to put on passenger trains, solid trains are to be put on between Benton Harbor and Louisville, Ky., using the Big Four and the Ohio & Mississippi roads south of Rushville. At Greensburg a coach will be delivered for Cincinnati, coming through from Benton Harbor, and going north one will be taken on. Thirteen years ago, when Mr. Beckley accepted the position, the business which the C., W. & M. did into and out of Indianapolis was of but little value; now Mr. Beckley says that a very large per cent. of its earnings are from what would be called its Indianapolis busi-

ness, and he will continue to look out for

Indianapolis, he says, in a business way, for he is quite proud of what his efforts have accomplished in the past in this direction. A number of new locomotives have already been contracted for, also several coaches and chair cars and several hundred freight cars, and the property is to be put in first-class condition in every Effort to Close Outside Ticket Offices. In high official circles a feeling prevails that the outside ticket offices cause a big leak in revenue, and some of the railway presidents have a bitter antipathy against them, which some time may lead to trying the experiment of closing outside ticket offices at every important railroad center. The late S. F. Pierson, in a trunk-line passenger meeting, remarked that every through passenger which the trunk lines got through the outside offices cost 60 cents on the dollar, and some of the presidents cling to the belief that his statement was in a large measure true. In speaking of the matter, yesterday, an official of the Pennsylvania Company said that "the Pennsylvania Company would never take such a step so long as there was a ticket-scalper's office in existence, as such a step would please the scalpers better than any other move the roads could make, and it would be the strong lines which would suffer, the weak lines working their business through the scalpers." He admitted, however, that a more earnest effort was making now to close the outside offices than ever before,

Personal, Local and General Notes. James McCrea, second vice-president of the Pennsylvania Company, arrived in the city last evening.

and that possibly something might come

The railway clerks of Toledo have just organized a large division of the National Railway Clerks' Association. Judge Cooley, of the Interstate-com-merce Commission, is much improved in

health of late. He goes to New Haven, Conn., to spend the holidays. Frank Burgess, late superintendent of the Kansas division of the Atchison, Topeka & Santa Fe, died on Friday last and was buried at Emporia on Monday.

H. S. Depew, general traffic manager of the Mobile & Ohio railroad, died at St. Louis on Monday night of heart disease. He was popular with all who knew him. James McDowell, chief train-dispatcher of the Indianapolis division of the Louisville, New Albany & Chicago road, yesterday tendered his resignation on account of

The appraisement of the Dayton, Fort Wayne & Chicago road is completed, and the valuation is placed at \$2,150,000. The road will probably be sold the third week

A. Fell, western freight agent of the Delaware, Lackawanna & Western road, will, on Jan. 1, be promoted to the position of Western freight traffic manager of the Lackawanna lines.

S. H. H. Clarke has been appointed general manager of the Union Pacific, in place of W. H. Holcomb, resigned. The latter has been made assistant general manager, with headquarters at Omaha.

Capt. John H. Jack, who for some years represented the Louisville, New Albany & Chicago at Lafayette, has accepted the osition of district passenger agent of the Wabash, with headquarters at Lafayette. T. W. Burrows, general superintendent of the Chicago & Eastern Illinois road, resigns solely on account of ill health, the nervous trouble, which he experienced when on the New York Central, having re-

O. D. Evans, formerly a resident of Richmond, Ind., las been appointed to look after the advertising department of the Jacksonville & Southwestern road, which has become an important link in the Atchison, Topeka & Santa Fe's St. Louis and

Chicago line. Rumor has it that Derbin B. Caldwell, assistant general passenger agent of the Missouri Pacific, is to be appointed general passenger agent of the Union Pacific. Mr. Caldwell begun railroad service on the Vandalia, and is a passenger man of a good

deal of ability. V. T. Malott is in New York city with the Erie people settling up the affairs of the receivership of the Chicago & Atlantic, so far as its dealings with the Erie people are concerned. He expects to have matters of the C. & A. so far settled that the court will relieve him of the receivership soon after Jan. 1.

To-day the Louisville & Nashville puts on a line of Pullman buffet sleeping cars between Louisville and Little Rock, and on Sunday next a line goes on between Cincinnati via Louisville, Nashville and Jacksonville to Tampa. The aggressiveness of the L. & N. in this direction is exciting favorable comment.

The Ohio & Mississippi this week carried another batch of United States troops from Cincinnati to St. Louis, at \$1.75 per head. After the arbitraries are deducted the O. & M. has \$1.05 left for carrying each person. Carrying passengers 341 miles at such a figure certainly tends to demoralize rates and evidently decreases earnings.

S. M. Felton, jr., recently elected president of the East Tennessee, Virginia & Georgia and other Southern lines, has offered Ralph Peters, superintendent of the Little Miami division of the Pennsylvania lines, a much more important position than he now holds. Mr. Peters was chief clerk of Mr. Felton when he was superintendent of the Pittsburg, Cincinnati & St. Louis

As intimated a day or two ago, the appointment of W.F. Turreff as superintendent of motive power of the Chicago & Erie road was but a stepping stone to something bet-ter. To-day a circular will be issued appointing him superintendent of motive power of all lines of the Erie, including the C. & E. west of Salamanca, which is now the grand division point in the Erie

A New York financial paper has an interview with M. E. Ingalls, president of the Big Four, in which it quotes him as saying that the Big Four people did not want the Chicago & Eastern Illinois road. Only one week before the Big Four syndicate gathered in the Ohio, Indiana & Western road Mr. Ingalls made a similar remark in the presence of John Newell and a Journal

The Big Four is to put in an apparatus for coaling engines, at Cincinnati, which will save, in the handling of the coal, several thousand dollars a year, and the cost of the improvement is so small that the savings of a few months will pay for it. It is a device of S. H. Harrington, mechanical engineer. If it works as well as expected it will be put in service at other coaling points on the system.

The five Eastern lines in the month of November took out of East St. Louis for Eastern markets 1,352 car-loads of live stock, as follows: Big Four, 486; Wabash, 434; Chicago & Alton, 334; the Vandalia 85, and the Ohio & Mississippi 13 car-loads. The shipments from the East St. Louis yards this year were smaller than last year, while from the Indianapolis yards there was a large increase, especially in shipments of export cattle.

An official of the Big Four says that, so far as they are concerned, the excellent business which the Louisville, New Albany & Chicago and the Cincinnati, Hamilton & Dayton are doing, does not trouble them, as their passenger earnings for November were \$21,400 in excess of those of November, 1889, and between Chicago and Indianapolis and Chicago and Cincinnati the bus-

iness in November, this year, was fully 25 per cent heavier than last year.

The heads of the departments of the Vandalia company are rapidly getting their annual statements in form for the annual report, which, it is said, will show that the present has been a very prosperous year with the road. At the suggestion of General Manager Williams economies have been introduced which have decreased operating expenses without impairing the prompt movement of the traffic. In exemption from accidents the road has been unprecedentedly fortunate.

Since the strike on the Peoria & Pekin road Superintendent Conners has tightened the lines on the employes in the switching service. Having ascertained that a good deal of the trouble on that line the last few years has had whisky at the bottom of it, he has now issued orders that no employe on the P. & P. road shall drink intoxicating liquors when on duty under penalty of discharge. He has gone even further and requested the distillers for whom they do a good deal of switching to cease "treating" them when they deliver or come after cars. Reader: The official statistics show that the railway mileage of the United States on June 30 was, main line, 157,758.83 miles. Then, there is to add to this 8,084.70 miles of second track, 721.98 of third track, 530,91 of fourth track, and 31,715.15 miles of sidetracks and spurs. This makes the official mileage reported on the date named 191,-001.40. Then, there is to be added to this 9,948.39 miles which is not shown in the official report, which swells the grand total to 200,949.79 miles of track of all descrip-

President Mackey, of the Evansville lines, reached home Monday night, taking a special train from Terre Haute to Evansville. The train ran the 110 miles in a litville. The train ran the 110 miles in a lit-tle over two hours. In railroad circles a belief prevails that Mr. Mackey will now set himself at work to unload his other roads onto the Big Four syndicate. The Evansville & Terre Haute would certainly be a valuable road to the Big Four, but to get that Mackey would doubtless force them to purchase some of the less valuable railway properties in which he is a large

General Manager Beckley and Attorney E. C. Cowgill, of the C., W. & M. railroad, were in Knightstown, yesterday, settling the claims of the farmers who are plaintiffs in suits now pending in the Henry Circuit Court for damages for the right of way through their farms. Satisfactory terms were reached and settlements made with Peter Vandenbark for \$2,600, John Judge, \$2,200, and Thomas Frederick, \$3,675. This leaves but one claim on the entire line unsettled, and it is thought a settlement will be reached to-day. Freight trains are now running over the new road, and arrangements are being made to carry passengers during the holidays.

The Three C's railroad is in the hands of a receiver. Judge Smith, at Jonesboro, Tenn., yesterday appointed Samuel Tate, of Memphis, receiver. He is a member of the contracting firm of McDonald, Shea & Co. The road is the one which passes through Johnson City, and is surveyed to go to Minneapolis, Va. There are about thirty miles of track laid in Tennessee from the North Carolina line north. It is said that the company owes about \$800,000 to contractors and engineers. A New York creditor attached an engine yesterday and chained it to the track. The Massachusetts & Southern Construction Company, which is building the road, goes into the hands of the receiver also. It is said the road owes McDonald, Shea & Co. nearly \$500,000. Mr. Tate will take possession at

CULLINGS FROM THE COURTS

Various Claims of Those Who Allege They

Have Been Injured. In 1878 Stoughton A. Fletcher, Alfred Harrison, John C. S. Harrison, George Jackson and Mason J. Osgood agreed to buy up claims on the real estate of George Bruce. Bruce was security on an eightthousand-dollar judgment that was rendered against William C. Smock, and, it is alleged, was induced to convey his land in satisfaction thereof. Mr. Smock, in a complaint filed in the Superior Court yesterday, alleges Mr. Osgood kept from him the fact that Bruce had paid the judgment, and that he himself paid it off in later years. In all, Mr. Smock claims, he has paid \$4,000 in excess of what he should had he known that Bruce had transferred his land. He wants \$5,000 from Osgood to

Aaron H. Jaynes, administrator of the estate of Maria Jaynes, has brought suit agains the Citizens' Street-railroad Com-pany for \$10,000 damages. Last October Mrs. Jaynes started to Irvington on an electric car, but the batteries gave out and the car stopped at the corner of Washington street and Central avenue, in Irvington. She, with the rest of the passengers, was compelled to leave the car and walk to her destination. As the carstarted back to the city a number of passengers, who were running to catch it, knocked Mrs. Jaynes down and broke her thigh. The complaint states that she was sixty-five years of age, and was in bad health at the time, and that her death was cause by the injuries she re-

The Big Four Railroad Company has been made defendant in a \$1,000 damage suit brought by Isaac A. Johnson. In August, 1889, Johnson started to Avon, but alleges that the brakeman, in calling the names of the stations, called Avon when the train stopped at Spray. He left the train at that place, which was five miles from Avon.

Why They Want Divorces. John S. Boyer, in a complaint for divorce from Nancy W. Boyer filed yesterday in the Superior Court, states that they were married in Johnson county in 1887 and shortly afterward she tried to kill him with a razor. In July, 1889, he says, she arose one night and took from his pockets all the money he had and left the city. He has not seen her since. Georgia Wells, wife of ex-Market-master Richard W. Wells, petitioned the courts for a divorce on the ground that her husband is now serving a sentence in the penitentiary for embezzlement.

Sentenced by Judge Cox.

Nora Harding, thirteen years of age, was sent to the reformatory by Judge Cox yesterday as an incorrigible. Roderick Koeler pleaded guilty to embezzling money from Wm. F. Piel, but judgment was suspended. William Buckler was sent to the workhouse for three months on conviction of petit larceny. Edward Mitchell, indicted on a charge of attempting to kill William Duddington, was fined \$10 on a charge of plain assault and battery.

Shuck's Answer to the Governor. William A. Shuck, who sued Governor Hovey for his commission as auditor of Jennings county, filed a motion yesterday to strike out as much in the Governor's answer to the complaint as makes John C. Cope a party in the suit. An answer to Governor Hovey's answer was also filed, in which Mr. Shuck denies every allegation made. Judge Brown will hear argument on the motions next Friday.

Notes from the Dockets. William H. Bradbury, a shoe-dealer at No. 100 Indiana avenue, made an assignment yesterday to William Pfafflin. His liabilities are not large, and no creditors

were preferred The county grand jury returned indict-ments yesterday against William Givens, Edward Schaft, Charles Kohle, Otto Kafod-en and Albert Kafoden, for petit larceny, and against Henry Sattipee for grand lar-

Anna Webb, whose husband was killed by falling in a hole on a piece of property jointly owned by the city and Butler University, was given a judgment for \$2,100 yesterday. \$1,000 of which is against the city and \$1,100 against the university.

The Court Record.

SUPREME COURT DECISIONS.

14550. L., N. A. & C. Railway Company

vs. August Nitsche. Lake C. C. Affirmed. Elliott, J.-Appellant's section hands, under orders, set fire to grass, weeds and other combustible material on its right of other combustible material on its right of way when it was very dry. The men extinguished all flames, but fire remained in some pieces of turf which had been cast back over the space burned over. The right of way extended over beds of turf or peat, and the same material formed the surface of adjoining lands, and also of appellee's land, which was adjacent to the right of way. The wind changing the turf was kindled into a flame and, passing from the right of way, communicated fire to adjoining land, and it was fought out by neigh-

bors, but, remaining dormant, it broke out again until it reached appellee's land, where it ran over several acres and caused serious loss. Held, that it was negligence in the railroad company to burn off the raight of way at the place and time the same was so burned, and the company was liable.

14271. Eliza Abbott et al. vs. Union Mutual Life Insurance Company

were made parties to a suit to foreclose a tax lien, the decree was void as to them, and title would not vest in the purchaser.

14529. L., N. A. & C. Railway Company vs. Frank Schmidt. Floyd C. C. Rehearing denied. Olds, C. J.—The facts show that appellant's appropriate in charge of a

that appellant's employes in charge of a

freight train were making a running

switch, crossing public streets of the city where the tracks were being continually crossed by the public and by children, as

well known to the employes. There was no watchman and no precaution taken to

avoid injury to persons crossing the streets. Plaintiff was injured by a detatched car on

a crossing. The brakeman was on the back

end of the car, but gave no heed to passing persons. The facts show negligence in the

railroad company and want of caution to prevent injury to persons lawfully on the

14643. Aaron Larch vs. Malinda Good-acre. Warren C. C. Amrmed. Olds, C. J.—In an action by a creditor of a deced-

ent against the widow to compel an ac-

counting by her for property owned by the decedent, such creditor is an incompetent

witness under Sec. 499, R. S., 1881.

15470. Helen Herkimer et al. vs. Alexander A. McGregor et al. Vigo S. C. Rehearing denied. Olds, C. J.—Under the statute a motion for a new trial may be

made either before or after judgment, pro-

vided it be made and filed at the term at

which the verdict or decision is rendered, or if the verdict or decision be rendered on the last day of the term, then upon the

first day of the next term. The word de-

14063. Israel P. Paulson et al. vs. Noah

Berkshire, J.—The law as disclosed on the

former appeal must continue to be the law

14386. John B. Schrichte vs. Matilda

Mary Ireg et al. vs. Samuel Mater

John G. Keadle, Administrator, vs.

Steits. Fayette C. C. Certiorari awarded.

et al. Wabash C. C. Certiorari awarded.

15726. Charles S. Warner vs. State ex rel.

George P. Haywood. Tippecanoe C. C. Re-

15727. Charles S. Warner vs. State ex rel.

George P. Haywood. Tippecanoe C. C. Re-

Matilda E. Siddens. Benton C. C. Petition

for leave to prosecute appeal as administra-

15005. John H. Crum, Administrator, vs. Andrew W. Meeks. Wells C. C. Leave to

15543. Alice Champ et al. vs. Francis K. Kendrick, Fulton C. C. Certiorari

15519. Allenson W. Hendry et al. vs. Silas

L. Crandall. Whitley C. C. Appellant

granted thirty days to amend assignment of errors, and failing, cause ordered dis-

15903. Annie R. Kean vs. Edward Roby et al. Lake C. C. Certiorari awarded.

15425. Stoughton J. Fletcher et al. vs. William Waring et al. Vigo S. C. Motion to dismiss overruled and leave granted to

amend assignment of errors.

15687. James H. Ayres et al. vs. Mattie

. Hamilton. Rush C. C. Motion to dis-

15688. Catherine J. Bowen et al. vs. Wm.

R. Stewart, Administrator. Carroll C. C. Restraining order denied.

SUPERIOR COURT.

Room 2-Hon. James W. Harper, Judge.

Dorcia Davis vs. Charles L. Davis; sup-

port. Finding and judgment for defendant. Susan A. Pollard vs. Robert Miethka;

note and mortgage. Judgment for plaintiff

Jesse A. Hurd vs. Benjamin Shoemaker.

New Suits Filed.

Isaac N. Johnson vs. Cleveland, Chicago, Cincinnati & St. Louis Railroad; damages.

Demand, \$1,600. Aaron H. Jaynes vs. Citizens Street Rail-

road; damages. Demand, \$10,000. William C. Smock vs. Mason J. Osgood;

damages. Demand, \$5,000.

Georgia Wells vs. Richard W. Wells; divorce. Conviction of criminal offense.

CIRCUIT COURT.

Hon. Edgar A. Brown, Judge.

Artemas Brockway vs. Wm. H. Brock-way; note. Confession of judgment for

Drake Williams vs. Wm. H. Brockway; note. Confession of judgment for \$1,165.66.

mann et al.; contest of will. Trial by jury.

New Suit Filed.

Amusement Matters.

dial reception at English's last night, the

second presentation of the comic opera

"The Sea King" being heartily enjoyed by a good audience. There is a great deal of rollicking fun in the production, and the music is bright and pleasing. Robert E. Graham kept the audience in the best of humor with his comical actions and witty speeches. The other principals and the chorus did their work well. The perform-

ances this afternoon and evening will con-

clude the engagement.

Brady's company in the spectacular piece
"The Bottom of the Sea" will begin its en-

gagement at the Grand Opera-house to-morrow night, and the May Howard Bur-

Albert G. Ovens, who has for some time been connected with Dickson & Talbot?

here, is to go next week to Columbus as their representative. He is to have the

business management of the two theaters

of which Dickson & Talbott recently as-

Articles of Incorporation.

of Marion was incorporated yesterday, with

a capital stock of \$5,000 and the following

directors: James L. Bailey, Amos Z. Haas and Mahlon Thompson. Other articles were filed as follows: Farmers' Mutual

Benefit Milling Association of Sullivan county; capital stock \$25,000. Carthage

Butter and Cheese Company; capital stock \$5,500. Terre Haute Artificial Ice and Cold-

storage Company; capital stock \$100,000, directors, W. P. Ijams, Crawford Fairbanks,

John Beggs, Charles Bane and R. G. Wat-

Higgins Wants Something Better.

sheriff by Henry Langenberg, refused to ac-

cept the place yesterday. Sheriff King's term expired at midnight last night.

Nobody can have dyspepsia if they take Sim-

John Higgins, who was appointed deputy

The Marion Hard-wood Lumber Company

The Gilmore company was given a cor-

et al.; partition.

nights of next week.

sumed control.

mons Liver Regulator.

Robert C. Higgins vs. James D. Higgins

Matilda Wittinberg et al. vs. Geo. Her-

Dismissed at plaintiff's cost.

file assignment of cross errors granted.

Simmons. Hancock C. C. Affirmed.

cision means finding.

of the case to the end.

instated.

instated.

tor granted.

awarded.

[Established in 1853.]

ANOTHER SACRIFICE Mutual Life Insurance Company. Cass C. C. Reversed. Coffey, J. — The Circuit Court of the United States has power to

Court of the United States has power to hear and determine an action to quiet title on a tax deed, and a finding and decree of that court as to the parties before it is final and conclusive, and cannot be impeached or questioned in an action in the State court to quiet title. 2. A sale of land by commissioners of the United States Circuit Court is subject to approval by the court. When such a sale is set aside the case occupied the same position as before the sale, and the property might be offered again for sale. 3. Where neither the owner of the property nor his heirs were made parties to a suit to foreclose a

MILLINERY, NATURAL BIRDS -AND-

> FANCY FEATHERS -AT PRICES-

MUCH BELOW COST

Fancy Wings, formerly 15c, now 5c. Combination of Breast and Wing, formerly 25c, now 10c. Natural Head, with Wing, formerly

Natural Birds, all colors, formerly 75c and \$1, now 29c. Natural Birds, fine quality, formerly

\$2, now 69c. Natural Birds, very best quality, formerly \$2.10 to \$4.50, now 98c. Ladies' Wool Felts, new shapes, 39c

Natural Birds, fine quality, formerly

and 47c. Ladies' French Finished Fur Felts, 79c; others ask \$1.50.

A still further cut in

PATTERN BONNETS

81.50. now 47c.

TRIMMED HATS

Those formerly \$18.50 now \$9. Those formerly \$22.50 now \$10.50. These Bonnets and Hats must be sold. and these prices will sell them.

---AND---

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lesque and Specialty Company will give performances at English's Friday and Saturday evenings and Saturday afternoon.

Fred A. Hodgson is here arranging for the engagement of the company that will play "After Dark" at English's the first three nights of payt week Genuine only with Justus von Liebig's 3 signature as shown.

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J Sealed proposals, in triplicate, subject to usual conditions, will be received here until 11 o'clock a. in., (central standard time). Saturday, the 13th day of December, 1890, for furnishing, at the Quarter-master's Depot here, 100 Six-muie Army Wagons and 15 Ambulance Wagons. Government reserves the right to reject any or all proposals, and to accept the whole or any portion of the wagons bid for. All information furnished on application to this office. Envelopes containing proposals should be marked 'Proposals for Wagons,' and addressed to HENRY C. HODGES, Assistant Quartermaster-general, U. S. Army, Depot Quartermaster.

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